

# EXHIBIT D



IN THE SUPERIOR COURT OF DEKALB COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA

-VS-

CASE NO. D0293186

FRANCIS CARROLL  
ARIEL EBAUGH  
SERENA HERTEL  
LEONARDO VOISELLE  
NICOLAS DEAN OLSON  
ARIEON ROBINSON

DEFENDANT.

TRANSCRIPT OF BOND HEARING HELD IN THE ABOVE-ENTITLED  
CAUSE BEFORE THE HONORABLE MATHEW ROBINS, SENIOR JUDGE, AT  
THE JUDICIAL TOWER, DEKALB COUNTY COURTHOUSE COMPLEX,  
DECATUR, GEORGIA, DIVISION 11 ON DECEMBER 27TH, 2022 AT 9:00  
AM VIA ZOOM.

LATASHA D. BETHEL  
OFFICIAL COURT REPORTER  
556 N. MCDONOUGH STREET  
DECATUR, GEORGIA 30030

A-P-P-E-A-R-A-N-C-E-S:

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1  
2 P-R-O-C-E-E-D-I-N-G-S

3 THE COURT: Let's start with the facts. Why are they  
4 in jail? Why is the AG involved in this?

5 MR. JOHNSON: Well, because this is a case of domestic  
6 terrorism which the AG has concurrent jurisdiction over.

7 THE COURT: I did not know it was a case of domestic  
8 terrorism. You are fine. Go ahead.

9 MR. JOHNSON: Yes, Judge. You may be familiar with  
10 this just from the news in general but there is a location  
11 near 1327 Key Road here in DeKalb near the Old Atlanta  
12 Prison Farm and over by Constitution where they are looking  
13 to build a Public Safety training center for the Atlanta  
14 Police Department. There is also a movie studio that is  
15 there as well and they are looking to build that as well as  
16 a new park, Michelle Obama Park.

17 On Tuesday, December 13th of 2022 members of the GBI  
18 and APD were at the location and they were attempting to  
19 clear barricades because over the months they have put up --  
20 "they" being groups of people who are calling themselves  
21 Defend the Atlanta Forest have put up unauthorized  
22 barricades, lit fires, there were buckets of human waste  
23 which have feces and urine in it, tires and they have built  
24 unauthorized treehouses as well, and when I say treehouses,  
25 these are actual structures with floors and ceilings and



1 tarps. So when the APD and GBI went in to clear the area so  
2 construction can begin soon they found someone up in one of  
3 the treehouses and historically when any workers or police  
4 are on the grounds of the forest the Defend the Atlanta  
5 Forest group will send out a message on social media or  
6 through text and they will call for assistance. When that  
7 help call is answered usually folks will show up and throw  
8 glass bottles, throw brick-sized rocks, light Molotov  
9 cocktails, set things on fire, usually in a means to divert  
10 the police or the people there in order to get their person  
11 away or to basically scare people into not doing their job  
12 because construction workers will come out, people from  
13 AT&T, people who have no real interest in this other than to  
14 do their jobs and they will be attacked and have their items  
15 vandalized.

16 THE COURT: Counsel, let me interrupt and you can  
17 expect interruptions. You said usually "they will do" and  
18 you gave me a litany of things "they will do."

19 MR. JOHNSON: Yes.

20 THE COURT: Did they do similar things in the matter  
21 that caused their arrest and now is before me?

22 MR. JOHNSON: Yes.

23 THE COURT: Okay. Moving along then. Go ahead.

24 MR. JOHNSON: Yes. So, while the personnel from the  
25 GBI and APD were moving through the forest they saw a

1 treehouse that I was talking about before that had a wood  
2 floor, tin roof, tarps, and there was someone in there and  
3 that was one of the defendants before you today Serena  
4 Hertel. That is position number 10 on the calendar.

5 Defendant Hertel is from Los Angeles, California. She  
6 is a known member of this Defend the Atlanta Forest group.  
7 This group as I have mentioned, Judge, is a well-funded,  
8 well-organized group. This isn't just a bunch of kids  
9 playing in the woods. This is a group that has illegally  
10 occupied this area and caused vandalism and on this  
11 particular day they yelled for the defendant to come down.  
12 The defendant refused. The defendant did not even answer  
13 when they yelled up to her. This went on for some time.  
14 Special Agent Ryan Long from the GBI yelled up at least 20  
15 times that she was trespassing on this property and was  
16 under arrest and advised the defendant that if the defendant  
17 did not come down and continue to obstruct the officers they  
18 would have no choice but to fire pepper balls up into the  
19 treehouse to get the defendant down. The defendant still  
20 did not answer, did not comply and at about 9:30 AM that  
21 morning one round of pepper balls was fired into the  
22 treehouse. You could hear the defendant coughing and they  
23 called up to her to come down, that they could give  
24 assistance. There was still no movement and in fact about  
25 10:16 AM Special Agent Long from the GBI observed a video

1 posted to the Defend the Forest social media and it came  
2 from defendant Hertel and it was a video from the treehouse  
3 position that the defendant was in and the message said  
4 forest defenders are in danger. We need your physical  
5 presence now. Forest defenders need your disruptive  
6 presence. A few minutes after that Special Agent Long heard  
7 on the radio that members of Defend the Forest went to  
8 Intrenchment Creek Park which is on the east side of this  
9 location and as we were talking about what they have done in  
10 the past, they did on this occasion when defendant Hertel  
11 sent the call for assistance out. They started throwing  
12 large brick-sized rocks at an APD patrol car and APD Officer  
13 Morales. They also threw glass bottles at firefighters  
14 because fire station number 10 is right nearby there and  
15 there were firefighters and EMTs and EMS from AMR who had  
16 come out to try to help to see what was going on and it was  
17 so bad that the police advised the firefighters and EMS to  
18 leave the area for their own protection. While this all  
19 occurred they were throwing the rocks and bottles. They  
20 also lit several objects on fire and the APD officer's car  
21 suffered visible damage because, again, I want you to  
22 understand, Judge, these aren't just rocks that they are  
23 throwing. They are basically like bricks. They caused  
24 dents in the car and they are not just small things.

25 Investigator Sluss with the Atlanta Police Department

1 observed three people throwing these objects at the police  
2 and at the firefighters and at the EMTs. He identified  
3 himself as a police officer and was able to arrest one of  
4 them that he visibly observed throwing the brick rocks and  
5 the glass bottles. That was defendant Nicolas Olson who is  
6 also on this calendar today in position 16.

7 He attempted to get the other two individuals who were  
8 also throwing and essentially chased them into the woods.  
9 The other two, one was able to get away. One, he was able  
10 to grab at the backpack and the defendant wiggled out of the  
11 backpack and kept running. They were able to identify the  
12 backpack and who it belongs to. It is actually position  
13 number 6 Francis Carroll. So Francis Carroll and Olson were  
14 at least two of the people who were throwing rocks and  
15 bottles at the law enforcement personnel on scene. When  
16 Investigator Sluss attempts to grab Carroll with the  
17 backpack it caused Sluss to fall to the ground where he  
18 sustained minor injuries. Meanwhile they were still trying  
19 to get defendant Hertel out of the treehouse when they heard  
20 two explosions nearby and then another person came out of  
21 the woods dressed in camouflage and lit some items on the  
22 roadway on fire. The fire department was requested to put  
23 out the fire but they were not allowed to go in because of  
24 the danger to them so APD officers went in instead and were  
25 able to get the fire under control.



1           At this point the defendant Serena Hertel has now put a  
2           gas mask on and has actually climbed up on the roof and tied  
3           to the tree with a rope. The GBI and APD personnel then  
4           contacted arborist whose job it is to go into the trees and  
5           they usually are there to cut a limb down or do what they  
6           need to do. Here they went up to try to get the treehouse  
7           dismantled and to get the defendant down. As they attempted  
8           to climb, and they were quite high up, the defendant Hertel  
9           brandished a knife and cut one of the ropes. One of the  
10          lines for the arborist in an attempt, from what the  
11          witnesses observed, to have the arborist fall. Luckily it  
12          was not a lead rope line so the arborist was not injured,  
13          however, there were about five to ten feet away from the  
14          defendant when the defendant was brandishing this knife.  
15          They yelled up to her to drop the knife and eventually --  
16          this all took a very long time -- Hertel dropped the knife  
17          and finally after this long standoff, came down.

18           The members of this Defend the Atlanta Forest are  
19          parties to the same crime of domestic terrorism. I imagine  
20          the defense is going to say that this is an overreach but  
21          the crime of domestic terrorism is exactly what we have  
22          here. If you use violence to basically get a policy  
23          changed, that is domestic terrorism.

24           The State does not oppose any kind of protest or  
25          picketing or however you want to do it as long as you are

1 not destroying property and hurting people and that is what  
2 is the fear here.

3 When defendant Hertel was finally handcuffed and taken  
4 she refused to comply with any actions. She would not move,  
5 wouldn't walk. So the police picked her up, carried her to  
6 an ATV where they were able to drive off the property and  
7 place the defendant in a police car. They searched the  
8 treehouse and they found Hertel's driver's license which as  
9 I said before is from California and they also found a  
10 cooking stove, sleeping mats, sleeping bag, food, water,  
11 camouflage, masks and other items. While they continued  
12 there patrol to look for other treehouses they found the  
13 defendant Francis Carroll who I mentioned before occupying  
14 another treehouse. He was wearing a gas mask and a  
15 camouflage jacket and they told Carroll this is trespassing  
16 and Carroll had to leave. Similar with Hertel, Carroll  
17 refused to comply, refused to answer and they ultimately  
18 fired a pepper ball up into the treehouse and Carroll  
19 eventually agreed to come down.

20 Inside the treehouse that Carroll had been in was  
21 gasoline, Orion road flares and several cell phones. The  
22 gas and road flares are important, Judge, because that is  
23 the method they use to set fires and the special agent  
24 involved here actually witnessed one of the Defend the  
25 Forest members in a previous day use the road flare to set a

1 fire along a barricade. When Carroll was brought to the  
2 North gate of the entrance to be arrested he and Hertel were  
3 placed in separate patrol cars. Prior to them being placed  
4 in the patrol cars the officers heard Hertel yell to Carroll  
5 I love you. I don't say that for any reason other than to  
6 show that they know each other. This isn't a bunch of  
7 unknown people in the woods. They care for each other.  
8 They look out for each other. They are all aiding,  
9 encouraging and assisting in what is going on out in the  
10 woods. In the backpack that I mentioned before that they  
11 located that was Carroll's they found in the backpack a cell  
12 phone, a glass smoking pipe, two large concussive-type  
13 fireworks and a lighter.

14 Nearby, Judge, is the Department of Juvenile Justice  
15 and they could, kind of, see what was going on here and they  
16 observed another treehouse which they pointed out to the  
17 officers on scene. In this treehouse was defendant Arieon  
18 Robinson who is position, I believe, 19 on the calendar.  
19 Arieon Robinson was wearing a mask and Ghillie suit pants  
20 which are kind of like camouflage pants and he had a  
21 respirator on as well. He refused or Robinson refused to  
22 come down or refused to comply even though the defendant was  
23 given multiple opportunities. Just like before, pepper  
24 balls were deployed and eventually Robinson came down.

25 The last person on the calendar which is position



1 number 12 which is Leonardo Voiselle came out of the  
2 woodlands also trespassing. Voiselle had a backpack, was  
3 wearing camouflage and inside the backpack were fireworks.

4 THE COURT: Was the name Voiselle or Leonardo?

5 MR. JOHNSON: On the calendar it is Voiselle Leonardo  
6 but I believe his name is actually Leonardo Voiselle -- is  
7 his actual name.

8 MR. KANE: His name is Leonardo Voiselle.

9 THE COURT: Okay.

10 MR. JOHNSON: Yes, Judge. Because Leonardo Voiselle  
11 was in the location with fireworks and a backpack and had  
12 answered this call that had been placed out by defendant  
13 Hertel this defendant was assisting and therefore also  
14 charged with these crimes and police also found pipe bombs,  
15 trip wires and fortified structures that the Defend the  
16 Atlanta Forest members had been inhabiting.

17 Later, Judge, defendant Ariel Ebaugh who is position  
18 number 7 also had seen the call for assistance and defendant  
19 Ebaugh arrived at the location, parked the car that Ebaugh  
20 was in and then exited the car wearing camouflage and  
21 carrying an AR-15 long rifle, a Glock 9 mm pistol. The  
22 AR-15 was loaded with 31 rounds. The Glock had, I believe,  
23 9 rounds and also a fixed boot knife was on her boot. When  
24 Ebaugh walked on to the property it was actually captured  
25 via drone which had been in the air and you can see

1 defendant Ebaugh walk up, openly carrying the AR-15 rifle in  
2 the low ready position and trespass onto the property.

3 Police yelled to her to immediately stop and put the  
4 rifle down. It took a moment. The police were, quite  
5 frankly, in fear that the defendant was about to raise up  
6 the rifle and fire considering everything that had been  
7 going on that day and it was on the property. The defendant  
8 did not. The defendant lowered the rifle and placed it on  
9 the ground and complied with the request of the officers at  
10 that point. Located in Ebaugh's car after Ebaugh was taken  
11 under arrest were additional extra loaded firearm magazines,  
12 camping gear and what is commonly known as a go bag. A bag  
13 full of clothes and other items that if you need to go  
14 somewhere in a hurry. That is why it is called a go bag.

15 All six were taken into custody on that date December  
16 13th, 2022. I should note, Judge, that there were other  
17 people walking in the woods that day that were trespassing  
18 but were not wearing camouflage, not setting off fireworks  
19 or throwing rocks or throwing glass bottles who were not  
20 arrested because they did not incite violence or cause  
21 damage to property.

22 So those are the general facts, Judge. Going into the  
23 case itself or the defendants themselves, the first one on  
24 the calendar, Judge, is position number 6 which is Francis  
25 Carroll. Francis Carroll is charged with interference with

1 government property, criminal trespass, aggravated assault,  
2 obstruction and domestic terrorism.

3 Your Honor, Francis Carroll is originally from  
4 Kennebunkport, Maine. Information we have is that is where  
5 he is from and where his family is from and he does not have  
6 any prior arrests that we are aware of or any criminal  
7 history other than what we have talked about here today.  
8 Judge, he is 22 years old and we would oppose the granting  
9 of a bond to Mr. Carroll. I am not sure if you want to take  
10 these up individually so I can stop there and then allow the  
11 defense if you like, Judge --

12 THE COURT: You have set a format that is easy to  
13 follow. You told me what you thought about Mr. Carroll.  
14 Why don't you go on to another one and as briefly as you did  
15 with Mr. Carroll we will try to move through the six. I  
16 will give the defense an opportunity to speak on behalf of  
17 their clients. I will do it any way you guys want to do it.

18 MR. KANE: Judge, can I be heard just briefly? This is  
19 Daniel Kane.

20 THE COURT: Yes.

21 MR. KANE: We are going to follow your format. It is  
22 just I want you to know that we do not agree with the  
23 State's representation of what happened.

24 THE COURT: Wait. I am not surprised but let me hear  
25 -- I will give you that opportunity to espouse that in just

1 a moment. I am just trying to get organized, all right?

2 MR. KANE: Yes, sir.

3 THE COURT: What I understand about Mr. Carroll, he is  
4 22 years old. He is from Maine. Kennebunkport, is that in  
5 Maine or Massachusetts?

6 MR. SCHIFFER: Maine, Judge. I think it is best that  
7 we continue with the format without any other interruptions  
8 from us until it is time for us to do the cases one at a  
9 time.

10 THE COURT: And Mr. Carroll has no criminal history.  
11 State, what is your next defendant you want to talk about?

12 MR. JOHNSON: Yes, Judge. We can just go in order.  
13 Position 7 is Ariel Ebaugh.

14 THE COURT: Yes.

15 MR. JOHNSON: Judge, Ariel Ebaugh you will recall is  
16 the one that came on the property with the AR-15 long rifle,  
17 a Glock 9 mm and a knife.

18 Ariel Ebaugh is 22 years old. Also like Mr. Carroll  
19 does not have a criminal history. Ariel Ebaugh is charged  
20 with domestic terrorism, simple assault, criminal trespass,  
21 obstruction and two counts of possession of a firearm during  
22 commission of a felony for the two guns, the rifle and the  
23 pistol.

24 THE COURT: Is Ariel Ebaugh a male or female?

25 MR. JOHNSON: A female, Judge. At least as far as the



1 history.

2 MS. KAUFMAN: She is a female.

3 THE COURT: It is not critical to my decision making.  
4 I just want to make sure I keep the gender correctly. Go  
5 ahead, counsel.

6 MR. JOHNSON: Judge, the next one would be the next  
7 position on the calendar which is Serena Hertel. That is  
8 position number 10.

9 Serena Hertel is 25 years old and is charged in this  
10 case with domestic terrorism, aggravated assault and  
11 criminal trespass. Defendant Hertel does have some prior  
12 arrests. There was a case in 2015 out of what it appears is  
13 Garden City, Idaho for obstruction, loitering and alcohol to  
14 minors. From September 2021 this defendant was arrested in  
15 Eureka, California in Humboldt County for similar to what is  
16 going on here. We were able to obtain the report and it was  
17 a trespassing, obstruction and destruction of a fence. It  
18 was a logging area that there were protests going on and  
19 defendant Hertel was there as well. I believe that case was  
20 dismissed based on what we talked about or talked with the  
21 Humboldt County folks about the case. Not that it did not  
22 happen. They said they just decided not to go forward with  
23 the charges because I think the logging folks left the area,  
24 the protesters. The last arrest, Judge, was just recently  
25 other than this one which was November 20th of 2022 here in

1 Fulton County for possession or purchase of illegal  
2 narcotics, possessing drug-related objects, a Schedule I  
3 substance and providing a false name. That case is still  
4 open last we had checked with Fulton County.

5 As I stated, defendant Hertel is from Los Angeles,  
6 California and I believe that is the summary on Serena  
7 Hertel.

8 Mr. Fowler from the Attorney General's office is going  
9 to, kind of, pick it up from here, Judge. He has the final  
10 three defendants. So I will turn it to Mr. Fowler.

11 THE COURT: All right.

12 MR. FOWLER: Good afternoon, Judge. John Fowler from  
13 the Attorney General's office. Thank you, Mr. Johnson.

14 I am going to address Mr. Voiselle, Mr. Olson and Mr.  
15 Robinson. Before that I would like to give a little bit  
16 more background on the group Defend the Atlanta Forest.

17 They have been occupying the forest for a little over a  
18 year in DeKalb County. It is an area of just over 300 acres  
19 out there. So it's not a small area. It is largely densely  
20 forested so it is not an area where you can mostly see what  
21 is going on inside. It is difficult to get inside in  
22 certain places and so a lot of people ask why in the world  
23 can't you just go in and take people out of there and just  
24 remove them. Well, the reason why is because it is  
25 difficult to get in there in certain places and there are

1 easy hiding locations. With those hiding locations the  
2 reasons why police and everyone are concerned about going in  
3 is because as Mr. Johnson stated they found pipe bombs, trip  
4 wires. There is police surveillance from a helicopter at  
5 night of multiple individuals that are patrolling the area  
6 with AR-15s in the area. This group stems from the 2020  
7 anti-police demonstrations following the murder of George  
8 Floyd and the local shooting of Rayshard Brooks.

9 These individuals use those two instances as an  
10 opportunity to push forward their antigovernment beliefs.  
11 This is coming from the FBI, the GBI, Atlanta Police  
12 Department and the Dekalb County Police Department, to push  
13 forward their antigovernment beliefs. There are individuals  
14 that are coming from all around the country and if you take  
15 a look at where these folks are from, Wisconsin, Nebraska.  
16 One person Mr. Voiselle is local here in Macon and I will  
17 turn to him in just a moment. These people are coming from  
18 all around the country to occupy this forest and what we are  
19 seeing is we are seeing more and more incidents occur. Just  
20 last week we had the defacing of a builders apartment up in  
21 New York where they were saying stop cop city which is what  
22 they say when they are trying to stop what is going on here.  
23 Not only that but this group has been tied to the  
24 vandalization of the Ebenezer Baptist Church here in Atlanta  
25 which is Senator Warnock's church. They have been tied to



1 the fire set in the Promise Center in Atlanta and Fulton  
2 County and they have been tied to numerous other incidents  
3 that are going on and they have made it pretty clear at this  
4 point that they're willing to engage in violence and use  
5 fire to keep anybody out of the forest. So that forms a  
6 little bit more nature of these charges. It is not just the  
7 singular incident that happened on the 13th. There's more  
8 to it and there are a lot more people out there.

9 Turning to Mr. Voiselle, he is number 12 on the  
10 calendar, he doesn't have any criminal history but he is the  
11 one individual on this calendar that has not wiped his  
12 social media. He is the one individual that we can take a  
13 look at his social media and we have collected it thus far  
14 and what we know is we know he is tied to extremist groups.  
15 He follows those extremist groups and he interacts with  
16 those extremists groups on Twitter. We know that. We can  
17 see it and we have copies of it. Mr. Voiselle --

18 THE COURT: Counsel, how old is Mr. Voiselle?

19 MR. FOWLER: I don't know off the top of my head how  
20 old Mr. Voiselle is but they are all young. I know that.  
21 No one here is old or middle aged.

22 MR. KANE: Mr. Voiselle is 20 years old.

23 THE COURT: Thank you, counsel.

24 MR. FOWLER: Mr. Olsen is 16. He is from Nebraska.

25 MR. KANE: He is not 16.

1 MR. FOWLER: I am sorry. He is 16 on the calendar. He  
2 is from Nebraska. Mr. Robinson is 19 on the calendar and  
3 he's all the way from Wisconsin.

4 Working backward, Mr. Robinson is the individual that  
5 was clearing the Ghillie suit. If the Court is unaware of  
6 what that is -- he was weary Ghillie pants I should say.  
7 They are pants that are not just camouflage but they almost  
8 have fake-like grass on them so that if a sniper or someone  
9 with a rifle wanted to hide -- you may have seen them in the  
10 movies. What they do is they wear a whole suit that looks  
11 like it has long grass on it so you can lie in long grass  
12 and no one can see you. That is what a Ghillie suit is. He  
13 also had a respirator in case somebody came after them.

14 So for those reasons with that background, what  
15 Mr. Johnson has stated including the items that were found,  
16 particularly the trip wires, pipe bombs, we are opposed to  
17 bond on all of these individuals.

18 MR. SCHIFFER: Judge, if that concludes the State's  
19 presentation, if I could speak very briefly and then the  
20 three of us each have two of the defendants a piece. I have  
21 Arleon Robinson and Francis Carroll.

22 THE COURT: Hold on. I am trying to make notes. You  
23 are going to speak on behalf of Robinson?

24 MR. SCHIFFER: Robinson and Carroll. Mr. Kane has  
25 Mr. Voiselle and Mr. Olson and Ms. Kaufman has the remaining

1 Ms. Hertel and --

2 THE COURT: I can't write as fast as you are going.  
3 Counsel, you have Robinson and?

4 MR. SCHIFFER: I have Robinson and Carroll, Judge.

5 THE COURT: Just a second. Don't go any faster.

6 MR. SCHIFFER: Yes, sir.

7 THE COURT: And the next attorney is going to represent  
8 Voiselle and?

9 MR. SCHIFFER: Olson, correct, Mr. Kane.

10 MR. KANE: Yes, that is right.

11 THE COURT: And lastly we have someone representing --

12 MS. KAUFMAN: Your Honor, I will be representing Ms.  
13 Hertel and Ms. Ebaugh and they are position 7 and 10.

14 THE COURT: Okay. Thank you for your patience. Go  
15 ahead and make your presentation.

16 MR. SCHIFFER: Thank you, Judge. My name is Joshua  
17 Schiffer. I am a lawyer here in the Atlanta area for 20  
18 years. I am proud to be joined in any political case with  
19 such fine counsel as Ms. Kaufman and Mr. Kane.

20 I don't know whether to begin with rolling my eyes at  
21 the libel and slander or play the background music of the  
22 old Benny Hill show.

23 We have 300 acres that has been occupied by protesters  
24 for a year. As the State literally just put out in front of  
25 you that they are not being -- there's hundreds of people

1 from around the nation that have come to support this civil  
2 disobedience celebrating the First Amendment and what we  
3 have here is the State Attorney General's office, not the  
4 local district attorney, we have the GBI, not local law  
5 enforcement using its concurrent jurisdiction which is why  
6 the State needs a felony for domestic terrorism. We are  
7 going to ask the court to look at the domestic terrorism  
8 statute. Without a felony there is no domestic terrorism  
9 and I am going to encourage the Court to delve specifically  
10 into the felony warrants for aggravated assault and the  
11 scraped knee of --

12 THE COURT: Counsel, so we understand each other, my  
13 role is not to address those challenges that you're making,  
14 whether or not there is a felony or not. That would be  
15 properly brought by motion and it would be assigned to a  
16 judge. I am just a presiding judge today for the sole  
17 purpose of deciding whether or not your clients should have  
18 a bond.

19 MR. SCHIFFER: Yes, Judge. I will go directly on to  
20 the Ayala factors.

21 THE COURT: Just please understand that if I sidestep  
22 your issue I am not suggesting you have no issue or you do  
23 but it is not my role today.

24 MR. SCHIFFER: I understand that, Your Honor. Thank  
25 you.



1           As the State said they object to all bonds on all these  
2 individuals. Most of the charges brought are criminal  
3 trespass misdemeanors, minor, outside the obvious felonies  
4 that they have included in order to gain concurrent  
5 jurisdiction.

6           Regarding Ayala for my two clients the flight risk and  
7 likelihood to intimidate witnesses, danger to commit  
8 additional felonies, danger to the community, those are all  
9 relatively straightforward to address. As the State  
10 acknowledged my two clients have no record at all. They  
11 have loving, caring families and support groups. In fact,  
12 we have family from Kennebunkport, Maine that is present in  
13 this hearing. I have had extensive contact with the support  
14 group for my other client Ms. Robinson. There is no  
15 likelihood of intimidating any witnesses because the  
16 witnesses in this case are all GBI agents and Atlanta police  
17 and other first responders. Those are the witnesses and I  
18 don't feel that they are subject to much intimidation.  
19 Flight risk is zero.

20           These are political prisoners that are protesting using  
21 their First Amendment right to set forth what is clearly a  
22 popular opinion that this property should not be developed  
23 in the manner that local government has determined it should  
24 be. I am not here to weigh in on that. I love my police  
25 friends. I have represented a bunch of them but I love the

1 Constitution more than anything else and freedom of speech  
2 and freedom of assembly and freedom to peacefully protest is  
3 really inherent in our role as good citizens and what we are  
4 seeing here is a very contrived, manufactured attempt by the  
5 Attorney General's office to overstep local law enforcement  
6 and silence, shill and scare hundreds, thousands of citizens  
7 across this nation because they have helicopters with  
8 machine guns yet they are going to complain about someone  
9 lawfully possessing a firearm and openly displaying it as  
10 has been supported by our governor and everybody else in our  
11 state government. Now, were police present? Yes. Was  
12 there an active threat? No, not at all. It was in a  
13 low-ready position. The same position that officers when  
14 they approach at the many courthouses hold their firearms.  
15 I judge citizens the same way that I judge law enforcement.  
16 I think the court should as well. But, Judge, there is no  
17 flight risk. They all have attorneys. They've all  
18 dedicated themselves to supporting this movement whatever  
19 Defend the Forest is and we will discuss that at length  
20 later.

21 There are allegations in the press releases that the  
22 GBI has been putting out about how it has been determined to  
23 be a terrorist organization by homeland security and they've  
24 clearly over a year exercised great law enforcement assets  
25 to ensure that the State's goal of developing this property

1 is met and that is a lawful State Interest. I do not  
2 disagree with that. The State has a plan to build this and  
3 these are citizens saying no, but to trump up and create a  
4 bunch of charges, arrest them, sweep the forest, this was  
5 nothing more than a manufactured criminal end to an  
6 otherwise reasonable protest where these were criminal  
7 trespasses. These are people refusing to leave a place  
8 because they know the moment they leave they lose their  
9 fight and the State decided to end it by arresting them all  
10 and now they are objecting to bond. We just sat through  
11 three hours of listening to the rest of the conditions of  
12 this jail. We are asking for a low and reasonable bond for  
13 both of my clients of \$1,000 on every charge. They should  
14 be released with no restrictions as to travel or who they  
15 contact. My two clients in particular pose no threat to  
16 anybody and the State has struggled and I ask the Court  
17 again just read the warrants to allocate that crimes have  
18 really even been committed and I will pass this off now to  
19 Ms. Kaufman.

20 THE COURT: Counsel, before you pass the matter on,  
21 because there is now a dispute of the facts. You've  
22 contended one set of facts. The State has contended  
23 another. I am not surprised by that. That is why we are  
24 here. Why there are trials. The State has contended that  
25 your clients who I have as Robinson and Carroll --- is that



1 accurate?

2 MR. SCHIFFER: That is accurate, Your Honor.

3 THE COURT: At least as to Carroll, participated in the  
4 rock throwing, bottle throwing, starting fires, throwing  
5 bricks. Is that in dispute?

6 MR. SCHIFFER: I believe that is not listed in any of  
7 the warrants.

8 THE COURT: I don't know about warrants because I do  
9 not have access to that. I am merely saying that is what  
10 the State's attorney told me in his presentation. You have  
11 given me a different picture.

12 MR. SCHIFFER: Yes.

13 THE COURT: So in a matter of deciding a bond -- and  
14 that is all we are deciding, not guilt or innocence. I am  
15 telling you what you already know but the State's attorney  
16 has indicated that Mr. Carroll was living in a treehouse,  
17 threw rocks and bottles at firefighters, started fires,  
18 threw bricks. Is that in dispute?

19 MR. SCHIFFER: We definitely dispute that and there  
20 wasn't enough specificity with my client in regards to their  
21 --

22 THE COURT: That is fine. I just want to know what is  
23 before me.

24 MR. JOHNSON: Your Honor, I don't mean to interrupt but  
25 just since we are right here on the issue I figure it would

1 be easier than going back. The allegations that I set out  
2 this morning that is actually what is charged in the  
3 warrants. Specifically the aggravated assault is for  
4 throwing rocks and bottles at fire department and EMS  
5 employees standing outside of a fire station and the  
6 obstruction and the --

7 MR. SCHIFFER: Would you read the details of the  
8 officer case, please? The details from the officer involved  
9 warrant for Mr. Carroll, if you would read that. The Court  
10 does not have a copy of that warrant what the specific  
11 language used by Chris Carr and the Attorney General's  
12 office is.

13 MR. JOHNSON: First off I guess I need to just put  
14 something in here for a second, Judge. This is a  
15 multijurisdictional joint operation that includes the  
16 District Attorney's Office, the Attorney General's office,  
17 the GBI, the Dekalb County Police Department, the Atlanta  
18 Police Department, and many other jurisdictions. I am  
19 perfectly willing to sit down as I did already with Ms.  
20 Kaufman with Mr. Schiffer if he wants and talk a little bit  
21 off line about this situation but Mr. Schiffer is just  
22 throwing things out that quite quickly, Judge, are not true.  
23 So I want it to be clear that he says on the one hand that  
24 he is all for a lawful State interest which is to build on  
25 the property but now we are confused about what the protest

1 is. Is the protest writing a letter to your Congressman and  
2 saying don't build or is the protest okay? Because what I  
3 am hearing is it is okay to throw bricks at cops. It is  
4 okay to set things on fire. I guess my thing, Judge, is if  
5 Mr. Schiffer wanted to build a shed on his yard and as a  
6 neighbor I didn't care for that I don't think Mr. Schiffer  
7 would like it if I went and put a bucket of urine on his  
8 front lawn and set tires on fire because that is what's  
9 going on here.

10 MS. KAUFMAN: Your Honor --

11 THE COURT: Everybody, hold on. It is like I want to  
12 herd the cats and do a small corral here. My role is not to  
13 hear motions to dismiss or motions to suppress. I'm just  
14 here to determine bond. While everybody that I have heard  
15 from so far has been very eloquent and I do not mean to  
16 curtail, the emotions associated with your legal arguments  
17 are outside of the scope of what I am doing. I want to know  
18 if they have criminal histories, why should I set a bond,  
19 why should I not set a bond, the justification for the act  
20 if at all as alleged are for another time and another place.  
21 A jury perhaps. A motion perhaps. I am not here to hear  
22 motions. Just the motion for bond. That's all I am here  
23 for. I admire and respect the eloquence, the advocacy, but  
24 we are going too far a field. I want to know from the  
25 State's point of view why I should not set a bond or if I do

1 set a bond what is the State's view of what the bond should  
2 be. I want to know from defense counsel why I should set a  
3 bond. I don't need to know whether they are good people, no  
4 people. I need to know do they have criminal history. Do  
5 they come to court when they are supposed to. Do they have  
6 jobs. Do they have a reason for being here. Do I make my  
7 point? I'm trying to get everybody focused on why I am  
8 here, not why you're here. I am looking at you, Mr.  
9 Schiffer. You are here to advance a matter that is outside  
10 the scope of why I am here. I would love to be the judge in  
11 your matters when the motions come on. That is not up to  
12 me. I do not pick what I am selected to sit on. It was my  
13 good fortune to be selected to sit on bonds today. I drew  
14 the short straw. I will hear the matter of bonds. The  
15 merits of your case is to be heard at another date, place,  
16 another time, probably by another judge.

17 Having said that I have already heard from Mr. Schiffer  
18 the arguments that his clients Robinson and Carroll, they  
19 are not a flight risk and they have no criminal history.  
20 Those are valid arguments at a bond hearing. The merits of  
21 why they were there or not there, that is not for me. That  
22 is for another judge, another place, another time.

23 If you have anything else, Mr. Schiffer, to convince me  
24 why a bond, if any at all, should be set for your clients I  
25 will hear from you, otherwise we will move on to the next



1 two defendants.

2 MR. SCHIFFER: The only last issue is, Judge, the  
3 community has jobs available for all of these people that  
4 will also encourage them to continue participating in this  
5 process but they are excellent candidates for bond.

6 THE COURT: Your clients are Carroll and Robinson  
7 you're are speaking about?

8 MR. SCHIFFER: Yes, Judge, and I believe that carries  
9 for the others as well.

10 THE COURT: We will get to the others. Let me look at  
11 my notes. Your clients, one is 22. Carroll is 22. How old  
12 is Robinson?

13 MR. SCHIFFER: Yes, Judge. Robinson, I believe, is 19  
14 years old from Wisconsin.

15 THE COURT: You could've told me that and I didn't  
16 write it down. Mr. Schiffer, is there anything else you  
17 want to say on behalf of your clients or can we move on?

18 MR. SCHIFFER: No, Judge. It is frustrating to hear  
19 mischaracterizations and not be able to respond about things  
20 like Ghillie suits and waste buckets which isn't plumbing,  
21 so. I worry that the State as much as they are concerned  
22 with my verbiage I am equally concerned with theirs.

23 THE COURT: You know, counsel, if it goes to trial that  
24 is what we call cross-examination.

25 MR. SCHIFFER: Yes, Judge.

1 THE COURT: State's Attorney General, I interrupted you  
2 to try to corral all of you to get back to the issues.

3 State's Attorney General, anything else you want to tell me?

4 MR. FOWLER: No, Your Honor. Anything else I would say  
5 would be outside of the scope of what Court wishes to hear  
6 today. So I will just leave it at that.

7 THE COURT: I do not want to limit what you want to  
8 tell me. I can't tell you to not tell me.

9 MR. FOWLER: The only thing I would say is this, this  
10 group does not abide by the traditional notions of politics  
11 of the left and the right. They embody extremist ideals  
12 from the left and the right. So this has nothing to do with  
13 politics whatsoever. That is all I would say.

14 THE COURT: Lawyer Kane, do you want to address your  
15 position regarding bond for your clients of Voiselle and  
16 Olson?

17 MR. KANE: Yes, I would, Your Honor. I have listened  
18 attentively to you for over three hours this morning.

19 I thank you for hearing us. I will address the bond  
20 issues but I do want to say a couple of things if you just  
21 give me a moment.

22 The first is one of the comments that the prosecutor  
23 said was, these parties have been in and around the forest  
24 for over a year and I think that's enlightening to you  
25 because there is no allegation until the GBI showed up of

1 any illegality other than a possible criminal trespass.

2 People have been living in and around or staying or  
3 coming into the forest for over a year with no problem. It  
4 was on December 13th when the police showed up with  
5 helicopters, tear gas, drones and plastic bullets and  
6 shooting at these kids in a treehouse that there was an  
7 issue. So I do believe it's a manufactured prosecution and  
8 I think your other insightful act of judicial wisdom was  
9 asking why is the Attorney General here and it is because,  
10 respectively, it's probably the AG that manufactured this  
11 domestic terrorism case.

12 With that let me address my clients. Leonardo  
13 Voiselle, first of all, his mother and father are online and  
14 they likewise have been sitting patiently. Also online is  
15 his grandfather Charlie Hall. Also online is a family  
16 friend Ernestina Kalavowski. They are all members of this  
17 community that support him.

18 THE COURT: Mr. Kane?

19 MR. KANE Yes, sir.

20 THE COURT: I do have some basic information I want to  
21 know. How old is Mr. Olson?

22 MR. KANE: No. I was talking about Mr. Voiselle. Now  
23 you want to go to Mr. Olson?

24 THE COURT: Either one. How old is Mr. Voiselle?

25 MR. KANE: MR. Voiselle is 20 years old.



1 THE COURT: And he is from where?

2 MR. KANE: He is from Macon, Georgia.

3 THE COURT: Does he have a criminal history does  
4 anybody know?

5 MR. KANE: He has no criminal history. He has never  
6 been arrested. In fact, he wasn't even in the woods. That  
7 showed how contrived this is. No, sir, he has no criminal  
8 history.

9 THE COURT: Mr. Olson -- would you mind just jumping?  
10 How old is Mr. Olson?

11 MR. KANE: Mr. Olson -- first of all Mr. Olson's mother  
12 and father are online.

13 THE COURT: They are sitting there. I know. I have  
14 seen them.

15 MR. KANE: Incidentally it is Aria Nicolas Olson.

16 THE COURT: How old is Aria Nicolas Olson? How old?

17 MR. KANE: 25 years old.

18 THE COURT: Mr. Olson is from where?

19 MR. KANE: He is from Elkhorn, Nebraska.

20 THE COURT: Now go ahead and make your presentation.

21 MR. KANE: Who do you want me to talk about Olson or  
22 Voiselle?

23 THE COURT: It is up to you.

24 MR. KANE: We will go back to Voiselle. 20 years old,  
25 no criminal history, graduated from high school, worked for

1 AT&T, was walking down the street when he was arrested on  
2 the 13th. He has his grandfather here, his family friend  
3 here to support him. Perfect candidate for bond. Really an  
4 OR bond is what I'd ask for Leonardo Voiselle. His charge  
5 is that he entered the property, which is a criminal  
6 trespass which is he walked up to a policeman and then they  
7 arrested him, walked down the street and then he is a  
8 domestic terrorist because he walked down the street. So I  
9 would ask you to give him an OR bond on those.

10 Let me talk to you about Aria Nicolas Olson. They are  
11 25 years old. He is a high school graduate. He has had  
12 several jobs. Worked at a recording studio. Also did  
13 warehouse work for a BioLab. His mom and dad are online.  
14 They are very concerned and also Aria has health problems or  
15 health issues. He is in the Dekalb County medical and he  
16 needs medicine every day and he is not getting it or she is  
17 not getting it. So, likewise, I would ask the Court to  
18 grant an OR bond for Nicolas Aria Olson and I can answer any  
19 questions you have for either party.

20 THE COURT: Give me a second and let me look at my  
21 notes. Olson is a female?

22 MR. KANE: Olson is transitioning from male to female.  
23 She prefers to be called Aria.

24 THE COURT: Olson, my notes indicated also participated  
25 in rock throwing, bottle throwing, fire -- brick throwing.

1 MR. KANE: So what the allegation is is that he threw a  
2 rock at a -- it varies. The government can't seem to get it  
3 straight. One time it is a police car. One time it is an  
4 EMS vehicle. One time it is a fire engine. So that is the  
5 allegation and it is disputed.

6 THE COURT: Is it disputed that it was thrown or is it  
7 disputed of what was thrown?

8 MR. KANE: That he threw a rock or a stone or a bottle  
9 at anyone.

10 THE COURT: It is disputed that he threw anything?

11 MR. KANE: Yes.

12 THE COURT: Okay.

13 MR. KANE: And let me add, he has no failures to  
14 appear, no probation violation and presumed innocent.

15 THE COURT: Did he have a criminal history?.

16 MR. KANE: None. 25 years old, nothing.

17 THE COURT: Now, he is a resident of Nebraska as is  
18 your other client -- no. Your other client is for Macon,  
19 Georgia.

20 MR. KANE: Mr. Voiselle is for Macon, Georgia and his  
21 mom and dad are online. Both these parties' parents are  
22 online.

23 THE COURT: Mr. Kane, you are giving me answers to  
24 questions I have not asked. What I say is get on the train  
25 and let the train take you where it needs to go because I

1 know where I want to go.

2 Your client from Nebraska, what assurance is there that  
3 he would return to court if he were granted bond?

4 MR. KANE: Well, his parents will make sure he comes to  
5 court. If the Court is concerned you can put a must make a  
6 good bond through a bondsmen. That would give an assurance.

7 THE COURT: What is your definition of a good bond?

8 MR. KANE: I think it is an OR case but I would say  
9 \$10,000.

10 THE COURT: How do you feel about -- well, again, your  
11 other client is from Georgia. Anything else you want to  
12 tell me, counsel?

13 MR. KANE: I would like to tell you a lot but you don't  
14 want to hear it right now about the merits of the  
15 government's case. So that's all I have for now. Thank  
16 you.

17 THE COURT: The merits of the case would not help me at  
18 all.

19 MR. KANE: And even the representations of the  
20 government but I'll keep my mouth shut.

21 THE COURT: Let me rephrase. Sometimes -- and I'm not  
22 trying to be funny and I'm not trying to drag this out.  
23 Sometimes when I listen to defendant's attorneys present  
24 their position on the case it comes out that there is a  
25 reason to grant a bond when absent giving me that reason



1       there would not be a reason to grant a bond. I know that is  
2       stilted but the point I'm making is I have had it happen in  
3       a murder case where the State wants to cut off the person's  
4       head but yet the defense counsel said alibi. My client was  
5       in Alabama. So now we've got a dispute as to facts and thus  
6       might justify a bond because the facts will come out at  
7       trial. Am I making my point? If you feel there's something  
8       that I need to know that will affect the Court's giving a  
9       bond to your client now is your day in court. Now is your  
10      chance to tell me. The merits of the case are not for me to  
11      decide. If you think there are some defenses without giving  
12      away your case to the State but will help the Court decide  
13      bond now is your time for me to know it. Am I making myself  
14      --

15           MR. KANE: You are making yourself abundantly clear.  
16      Yes, sir.

17           THE COURT: I just don't need to know about the case.  
18      I have already got a picture. People living in treehouses  
19      --

20           MR. KANE: Treehouses for a year.

21           THE COURT: Whatever. I want to know why you think I  
22      should give your client a bond. He has no criminal history,  
23      has no failure to appears. These are points well made which  
24      I consider. If you have anything else tell me now.

25           MR. KANE: Yes, sir. Leonardo Voiselle has worked

1 every day since he was 15 years old.

2 THE COURT: He has no criminal history. He is 20 years  
3 old and he lives in Macon.

4 MR. KANE: Yes, sir.

5 THE COURT: Anything else, counsel?

6 MR. KANE: No, sir.

7 THE COURT: Thank you.

8 MR. KANE: Thank you, sir.

9 THE COURT: I will hear now from the last two.

10 Ms. Kaufman, are you counsel for Hertel and Ebaugh?

11 MS. KAUFMAN: Yes, sir. Position 7 is Ariel Ebaugh.

12 THE COURT: Tell me what you want me to know. Let me  
13 start off with this, how old is your client Hertel?

14 MS. KAUFMAN: My client Hertel is 25 years old.

15 THE COURT: It is a female?

16 MS. KAUFMAN: Yes.

17 THE COURT: Female and 25 years old. From California,  
18 did I understand?

19 MS. KAUFMAN: Yes, Your Honor. Her mother lives in  
20 California. Her father -- she grew up in Boise, Idaho and  
21 her father is on the call along with many other supporters  
22 of Ms. Hertel.

23 THE COURT: My notes indicate that Ms. Hertel does have  
24 a criminal history albeit not a violent criminal history but  
25 criminal history. Is that accurate?

1 MS. KAUFMAN: Your Honor, my understanding is there was  
2 a 2021 arrest in Eureka, California. That case was  
3 dismissed and there is a pending Fulton County case  
4 involving marijuana and obstruction, apparently.

5 THE COURT: A 2015 case for obstruction and loitering.  
6 Minor issues, but nonetheless a criminal history.

7 MS. KAUFMAN: Yes. She has an open case and a 2015  
8 case. Should I go on or do you want to ask me more  
9 questions?

10 THE COURT: This is Ms. Hertel. She is from  
11 California.

12 Now the question I have asked before, if bond is  
13 granted what assurances do we have that she would return for  
14 the issues pending in this county?

15 MS. KAUFMAN: Your Honor, obviously, and I guess the  
16 other two attorneys did not mention this. These are really  
17 serious charges. Ms. Hertel has a college degree. She  
18 works in environmental analysis. She is somebody who really  
19 does not want -- I mean she wants to fight the charges. So  
20 you can best believe that she's going to be coming back to  
21 handle this if and when the State is able to get an  
22 indictment.

23 Furthermore, her family members, she has several  
24 professors that have actually provided me with letters of  
25 recommendation in support of her, which I've never seen

1 before. Professors have never done that for me. So what I  
2 want Your Honor to know is that there are tons of people --  
3 Ms. Hertel has every intention of being here if the Court  
4 wants her to be here whenever she needs to be here. Her  
5 intentions would be to live with her father in Boise, Idaho  
6 if the Court would allow that. She can also have a  
7 residence. I could get the Court an address in Georgia if  
8 the Court would prefer that she stay here.

9 What I can tell Your Honor is that she is an incredibly  
10 talented bright young lady who is clearly passionate about  
11 things, however, she has been in jail now more than a week  
12 and she fully understands that she cannot be living in the  
13 trees or go back to the area that they were in. So I just  
14 want to make that very clear. Any stay away order she will  
15 abide by.

16 THE COURT: Counsel, I am concerned again about the  
17 suggestion by State's counsel that your client participated  
18 in throwing rocks, bottles at firefighters, started fires,  
19 throwing bricks.

20 MS. KAUFMAN: Well, Your Honor, we absolutely dispute  
21 those facts. I look forward to having our day in court on  
22 those issues. She is presumed innocent and she denies doing  
23 --

24 THE COURT: I am not presuming her guilt. I am just  
25 saying the State has made a representation. Okay, that is



1 fine. What is your position on bond for Ms. Hertel?

2 MS. KAUFMAN: For Ms. Hertel I would ask for \$1,000  
3 bond on each count for a total of 3,000. I think she has 3  
4 charges, I believe. The State can confirm.

5 MR. SCHIFFER: I believe three is correct on Hertel.  
6 Aggravated assault, criminal trespass and domestic  
7 terrorism.

8 THE COURT: Ms. Kaufman, anything else you want to say  
9 on behalf of your client?

10 MS. KAUFMAN: On behalf of Ms. Hertel she is not a  
11 significant risk to the community, of committing felonies,  
12 of being a danger, of intimidating witnesses. She is a  
13 pacifist and she will absolutely come back here and she is  
14 not a flight risk.

15 THE COURT: Thank you, counsel. Anybody else wish to  
16 address the Court before I make a decision?

17 MS. KAUFMAN: Your Honor, I still have one other client  
18 that we did not speak about. About Ariel Ebaugh which is  
19 position 7.

20 THE COURT: I stand corrected, counsel. Go ahead.

21 MS. KAUFMAN: She is 22 years old. She is a resident  
22 of Stockbridge, Georgia. Both of her parents are on this  
23 call. She is a college graduate. She is employed at Olive  
24 Garden and she does DoorDash.

25 I know you had asked her gender. She is a 90-pound

1 female. She is alleged to have legally possessed weapons.  
2 Those are two of the charges. Possessing of a firearm  
3 during a felony. I guess the felony is the domestic  
4 terrorism.

5 THE COURT: She has a criminal history?

6 MS. KAUFMAN: She has no criminal history. Zero.

7 THE COURT: What are you referencing then?

8 MS. KAUFMAN: I am referencing the charges as they have  
9 alleged them against her. I am just saying that she is  
10 alleged to have had firearms and obstruction. There might  
11 be five or six charges. I did not write them down fast  
12 enough. Go ahead.

13 MR. SCHIFFER: Domestic terrorism, simple assault,  
14 criminal trespass, obstruction. I believe misdemeanor  
15 obstruction but it may be a felony, and two counts of  
16 possession of a firearm during the commission of a felony  
17 which I believe was the obstruction because criminal  
18 trespass and the simple assault are misdemeanor and domestic  
19 terrorism needs a predicate felony.

20 MS. KAUFMAN: By the way, Your Honor, her parents are  
21 on the call. She's from a good Christian family in  
22 Stockbridge. Her parents will absolutely assure that she  
23 gets here. She has ties to the community. She's not a risk  
24 and the allegations in this case are that she walked into a  
25 field possessing a firearm. I would like to say to, Your

1 Honor, if somebody wanted to do something with it she could  
2 have and there is no allegation that she did. When told to  
3 put it down, I believe, the State said within a moment she  
4 put it down.

5 THE COURT: I am going to stray a little bit from what  
6 is before me. I am sorry for all of you but I am about to  
7 ask a question. If someone has no intention to use a  
8 firearm at a gathering why are they carrying a firearm?

9 MS. KAUFMAN: Your Honor, I am not the right person to  
10 ask because I'm not someone who carries or believes in  
11 carrying firearms. There's lots of other people from  
12 Georgia that have different feelings on that and people do  
13 it at the gas station -- people do it all of the time. I  
14 don't know why.

15 MR. SCHIFFER: Judge, I will speak as someone in  
16 Georgia that knows a lot about firearms and people with  
17 firearms. The display of firearms is in overtly political  
18 act and part of celebrating our First Amendment right about  
19 what rights you like or do not like.

20 The display of a firearm has been protected many many  
21 times and it is at the heart of the firearm's litigation but  
22 it is in overtly political statement to be in public openly  
23 carrying a firearm if you are allowed to do so, which in  
24 Georgia is basically everybody that does not have a felony  
25 or is otherwise precluded and is of the appropriate age.

1 THE COURT: Counsel, you are right but to the degree I  
2 disagree it is more than just First Amendment. It is an  
3 effort to intimidate.

4 MR. SCHIFFER: I agree. We could talk about that  
5 endlessly elsewhere, Judge.

6 THE COURT: Another time. I appreciate your input. Is  
7 there anything else that needs to be said before I make a  
8 decision?

9 MR. SCHIFFER: Judge, I just wanted to make sure --  
10 Judge, I realized that I kind of jumped through my two in an  
11 effort to move along. Both of my clients besides having no  
12 record are attached to this community. Are absolutely  
13 willing, ready and able to come back. They have substantive  
14 education as well as people in the community that support  
15 them including family online.

16 THE COURT: Your clients are Robinson and Carroll?

17 MR. SCHIFFER: Yes, Judge.

18 THE COURT: Carroll is from Maine.

19 MR. SCHIFFER: Yes, Judge, and his parents are here.

20 THE COURT: Anybody else wish to address the Court?

21 MR. JOHNSON: Judge, before you make your decision just  
22 to let you know the State's position is if you are inclined  
23 to grant a bond we are not against the folks who live out of  
24 state going back to where they came and going back home  
25 until such time as they need to come back for court or court



1 matters because any request if you do grant a bond would be  
2 for them to stay away from the location and to have no  
3 contact with the organization any further. So those are  
4 some of the things we would request if you are inclined to  
5 give a bond. Also so the Court is aware we've also in case  
6 the Court should grant it have reached out to a monitoring  
7 company called Talitrix which is similar to an ankle monitor  
8 except it is a little more affordable and it also is a  
9 smartwatch. So it is a little less stigmatizing from  
10 wearing an ankle monitor.

11 So those are some of the things that we would request  
12 if the Court is inclined to grand a bond and we can  
13 obviously talk in more detail about that depending on which  
14 way the Court is headed.

15 THE COURT: Anything else?

16 MR. JOHNSON: No, Judge.

17 THE COURT: The Court is of several different minds  
18 about what to do with this. It is not my purpose to  
19 pontificate about First Amendment, guns. As I have tried to  
20 give everybody, my role is to focus on bond. Is there a  
21 justification for granting a bond or not granting a bond?

22 The things that I consider when granting a bond among  
23 others are criminal history, age of the participants,  
24 failure to appears, those kind of things as distinguished  
25 from the facts of the case. That is to be addressed at

1 trial. I am not a fact finder. On the one hand the facts  
2 as shared with me would suggest the six-part persons ought  
3 to remain in jail for various reasons. Some are from out of  
4 state. Their desire to return are questionable. Why do I  
5 say that? Years ago I had the PETA riots out of Emory.  
6 They were from all over the country. They would get in a  
7 van and travel all over the country and in the name of  
8 protecting animals they would throw rocks and bricks and  
9 start fires much as the people in this situation. They were  
10 granted bond. I don't know if any of them ever came back.  
11 Those were misdemeanors. On the other hand the facts that  
12 took place are in dispute. Defendants say we did not throw  
13 rocks and bricks and start fires. So the facts are in  
14 dispute. So the things I dwell on are criminal history and  
15 the likelihood they will return. In candor I really doubt  
16 that anybody from out of state will return. I have not just  
17 fallen off the back of a turnip truck. I've gone through  
18 this for many years of people who have the opportunity to  
19 not return, they don't return, but on the other hand I don't  
20 think it's justifiable to keep these people in jail awaiting  
21 indictment and trial. So I will set a bond.

22 I will need a few minutes to go through my notes,  
23 please, so I can figure out what kind of bond to give.

24 MR. SCHIFFER: Thank you. If I may make one brief  
25 comment regarding what Your Honor just shared.

1 THE COURT: Yes.

2 MR. SCHIFFER: With the top charge being domestic  
3 terrorism the punishment range is very substantial. I  
4 believe it even includes death. I expect that all 50 states  
5 --

6 THE COURT: Nobody is going to --

7 MR. SCHIFFER: I totally understand that, Judge.

8 THE COURT: Go ahead.

9 MR. SCHIFFER: But what I am saying is should the State  
10 of Georgia request the extradition of people charged with  
11 this gravity of a charge I imagine that they would be  
12 returned to Georgia relatively quickly. This isn't a slap  
13 and tickle. This is a very serious charge.

14 THE COURT: I did among other things when I was in the  
15 criminal divisions at the Attorney General's office, I  
16 participated in extraditions. So I am confident that the  
17 Attorney General, if they think the charge is serious enough  
18 they will pursue it. I had to go to several states to  
19 pursue extraditions.

20 Anyway, enough of me. Again, anything else? I need a  
21 few minutes to go through my notes. Just give you a few  
22 minutes, please.

23 (Pause in proceedings.)

24 THE COURT: State's attorney? Not the AG.

25 MR. JOHNSON: Yes, Judge?

1 THE COURT: Regarding Francis Carroll.

2 MR. JOHNSON: Yes, sir.

3 THE COURT: Counts 4 and 5 domestic terrorism.

4 MR. JOHNSON: Yes.

5 THE COURT: What is the State alleging as the acts of  
6 domestic terrorism?

7 MR. JOHNSON: For Francis Carroll it is a combination  
8 of -- he is one that we have alleged actually threw rocks  
9 and threw bottles. Additionally by occupying the treehouse  
10 with the gasoline and fireworks contained inside of it and  
11 the backpack that he had that had some other items in it  
12 that he is both a party to the crime and an actual actor in  
13 the crime.

14 THE COURT: Okay.

15 MR. SCHIFFER: Judge, should Your Honor be interested I  
16 can read the actual caption from warrant Number D0293186  
17 which is the charge taken out by Special Agent Ryan Long  
18 against Francis Carroll for 16-14-10 domestic terrorism if  
19 you would like it verbatim.

20 THE COURT: No. I wouldn't.

21 MR. SCHIFFER: It is pretty similar to the same one  
22 that they lodged against everybody.

23 THE COURT: No. I have sufficient overview of what is  
24 before the court.

25 MR. SCHIFFER: Yes, Judge.



1 (Pause in proceedings.)

2 THE COURT: Not in any particular order the Court  
3 orders as follows; in the matter of a bond in State versus  
4 Hertel the Court sets a bond of \$8,000 cash, surety or  
5 property; report to pretrial services within 48 hours of  
6 release; do not return to -- I don't know what to call this  
7 place. What designation is it? What do we call it? The  
8 proper name?

9 MS. KAUFMAN: Cop city.

10 MR. JOHNSON: That is what they like to call it. We  
11 call it 1327 Key Road in and around that area of the forest  
12 and in the bond order in the conditions, Judge, we can put  
13 the exact location.

14 THE COURT: All right. I want the exact location and  
15 not some euphemism. Do not return to 1327 Key Road or  
16 whatever it is called. What other conditions, State?  
17 Because I am going to go through all six of these. They may  
18 have some of the same conditions.

19 MR. JOHNSON: Yes, Your Honor. We would ask that the  
20 defendants have no contact with each other except,  
21 obviously, through their defense counsel can talk to each  
22 other but no contact with any of the codefendants in this  
23 case.

24 THE COURT: Defense, do you want to speak to that? Is  
25 there any reason why contact should be necessary?

1 MR. SCHIFFER: Is this on one individual at a time or  
2 is this for the group, Judge?

3 THE COURT: I am asking the State to give me some  
4 conditions of some bonds because I am going to set some  
5 bonds and probably the conditions may be the same on all of  
6 the bonds. So I am trying to get from the State what  
7 conditions would they like for me to add. The State has  
8 suggested insofar as Hertel is concerned, do not return and  
9 no contact with the other defendants. If any lawyer for the  
10 defendants wish to address this I will hear from you now  
11 about no contact. Is there any reason why Ms. Hertel has to  
12 have any contact with Carroll, Ebaugh etcetera, etcetera?

13 MS. KAUFMAN: There is no reason, Your Honor. And if  
14 she needs to it can be through her attorney.

15 THE COURT: That is the way it should be.

16 MS. KAUFMAN: That is fine, Your Honor.

17 THE COURT: Hearing no objection Ms. Hertel shall have  
18 no contact directly or indirectly with any other defendant  
19 or State's witness in the case. You've already heard me.  
20 You've called my attention, you've been here three or four  
21 hours about how I feel about no contact. I do not need to  
22 go through it all again. Make sure your clients understand  
23 no emails, no messages through third person. That is as to  
24 defendant Hertel.

25 As to defendant Carroll -- with that bond what did I

1 just say? Was \$8,000 cash, surety or property. Defendant  
2 Carroll a bond of \$13,500 cash, surety or property; report  
3 to pretrial services within 48 hours of release; no contact  
4 directly or indirectly with any other defendant or State's  
5 witness; do not return to the property in issue.

6 Defendant Ebaugh a bond of \$10,000 cash, surety or  
7 property; do not return to the property at issue; no contact  
8 with any other defendant directly or indirectly.

9 Defendant Voiselle a bond of \$6,000 cash, surety or  
10 property; report to pretrial services. I don't think I said  
11 that with Ebaugh. Ebaugh is to report to pretrial services  
12 within 48 hours of release.

13 Voiselle \$6,000 bond; report to pretrial services  
14 within 48 hours of release; no contact directly or  
15 indirectly with any other defendant or State's witness; do  
16 not return to the property in issue.

17 Defendant Olson a bond of \$7,500 dollars cash, surety  
18 or property; do not return to the property in issue; have no  
19 contact directly or indirectly with any other defendant or  
20 any State's witness; report to pretrial services if I did  
21 not already say that.

22 Defendant Robinson a bond of \$6,000 cash, surety or  
23 property; report to pretrial services within 48 hours of  
24 release; do not return to the property in issue; no contact  
25 directly or indirectly with any other defendant or any

1 State's witness.

2 State, have I overlooked any conditions that you would  
3 like to see implemented?

4 MR. JOHNSON: Yes, Judge. There are a few. Just with  
5 Robinson just so I have it right. What was the number you  
6 gave?

7 THE COURT: \$6,000 cash, surety or property.

8 MR. JOHNSON: Yes, Judge. There are several conditions  
9 and they would apply to all the defendants. So this would  
10 be something for all defendants. In addition to no contact  
11 with each other, also must have no contact with the Defend  
12 the Atlanta Forest organization either through social media,  
13 in person. Any type of platform we would say a condition  
14 should be no contact.

15 THE COURT: The Atlanta Forest organization? Is that  
16 what you call it?

17 MR. JOHNSON: Defend the Atlanta Forest, yes. It is  
18 the group that this set of defendants belong --

19 THE COURT: Do not give me an answer to a question I  
20 have not asked. I just want to know the name of the group.

21 MR. KANE: Defend the Atlanta Forest.

22 THE COURT: Defend Atlanta Forest. That is the name of  
23 it?

24 MR. KANE: Defend the Atlanta Forest.

25 THE COURT: Is that a real group?



1 MR. SCHIFFER: We would love their definition of it and  
2 we would love to know a lot more about it because that is  
3 kind of like saying those people.

4 MR. JOHNSON: Actually if you go on social media, Mr.  
5 Schiffer, they have a website and you can learn all about  
6 it.

7 MR. SCHIFFER: I know but you don't have a membership  
8 list or a list of people that you have shared with anybody  
9 so it is hard to say stay away from those people without a  
10 definition considering the violation of it could lead to  
11 problems.

12 MR. JOHNSON: I get it but I can't put everybody's name  
13 on a list. I understand. I was very specific no contact  
14 with Defend the Atlanta Forest through social media. They  
15 have a very robust social media presence. It would not take  
16 very long for us to probably see if they were posting.

17 THE COURT: Stop, stop, stop. No contact with the  
18 group known as Defend the Atlanta Forest through social  
19 media. If it exists, fine. If it doesn't exist, fine.

20 What other conditions, State?

21 MR. JOHNSON: They must possess no firearms or weapons  
22 of any kind, Judge.

23 THE COURT: Some of them have been -- a charge with  
24 possession of a firearm and some have not.

25 MS. KAUFMAN: Just briefly, Your Honor, those that have

1       been charged with possessing a firearm have not even been  
2       charged with using it or pointing it at anyone and so on  
3       behalf of Ms. Ebaugh who I believe is the one charged with  
4       possession of the weapon. She is a 90-pound small woman and  
5       I know that she would like to continue to be able to carry.

6           MR. SCHIFFER: Judge, Georgia is going through a crime  
7       issue that has been on the front page of everything. So  
8       restricting Second Amendment rights for someone who's not  
9       been accused of using a firearm in an offensive manner, that  
10      seems to run contrary to the promises of the Constitution.

11          MR. JOHNSON: This is a bond situation so there is a  
12      difference here. This is a --

13          MR. SCHIFFER: No. They are presumed innocent though  
14      and that's something that -- removing someone's Second  
15      Amendment right as a condition of bond would be appropriate  
16      should there be an allegation involving wrongful use of a  
17      firearm but there's been no allegation other than open  
18      display.

19          MR. JOHNSON: She is charged with simple assault with a  
20      weapon.

21          MR. SCHIFFER: Was that included in the simple assault?  
22      So a misdemeanor simple assault for displaying the weapon?

23          MR. JOHNSON: It was the appropriate charge for what  
24      she did.

25          MR. SCHIFFER: So a misdemeanor should result in the

1 removal of a constitutional right?

2 MR. JOHNSON: That is the Judge's call, Mr. Schiffer.  
3 Per my request the Judge can grant it --

4 MR. SCHIFFER: It is a request though. The request is  
5 to remove a constitutional right for an allegation of a  
6 misdemeanor?

7 MR. JOHNSON: No. The request is to remove a firearm  
8 from a potentially dangerous person so we don't have someone  
9 else getting hurt.

10 Look, the whole reason for this whole thing is nobody  
11 wants to see anybody get hurt and it is only a matter of  
12 time if these types of acts continue that someone is going  
13 to get hurt out there whether it is one of the people trying  
14 to stop the forest from being plowed down or people going  
15 there to work on it.

16 THE COURT: I will tell you what, if you all want to  
17 debate the merits of the Constitution I am going to take a  
18 break. I will let you all debate and when you all are  
19 through I will come back.

20 Again, this is not the place to discuss these things.  
21 Mr. Schiffer, I am not dissuaded from taking away a  
22 constitutional right in a bond hearing because you can take  
23 that up in a proper motion to dismiss or amend or whatever  
24 you want to do. This is just a bond hearing and where  
25 someone who has been charged with a felony, not necessarily

1 possession of a -- restricting their right to a weapon  
2 doesn't bother me. Now you all can argue it on all you want  
3 but not here in front of me. Take it up with whoever is  
4 assigned this case. I am just hearing bonds. Do we  
5 understand each other? Do you want to argue this more, if  
6 so, I'm going to go have lunch. When you are through  
7 arguing I will come back and we will finish with the bond  
8 hearing. Hearing no objection we will move on.

9 State, aside from do not possess a weapon what other  
10 conditions are you urging?

11 MR. JOHNSON: We are requesting what I mentioned  
12 earlier a monitoring system. It is called Talitrix.

13 THE COURT: I am not going to do that. Go ahead.

14 MR. JOHNSON: Okay. Then we would request a curfew if  
15 you are going to release them and that they only be allowed  
16 to go out for work, school or doctor's visits and that kind  
17 of thing.

18 THE COURT: Not going to do that either. What else?

19 MR. JOHNSON: That they waive their 4th Amendment right  
20 to search and seizure while on bond.

21 THE COURT: I won't do that either. What else?

22 MR. JOHNSON: That they submit to random drug screens.

23 THE COURT: Nobody has been charged with a drug  
24 violation. What else?

25 MR. JOHNSON: One of the defendants has a Fulton open



1 case.

2 THE COURT: But I am just dealing with DeKalb and I  
3 don't see where anybody has been charged with a drug  
4 offense. What else?

5 MR. JOHNSON: The defendants that are out of state that  
6 as a part of their bond condition they waive extradition and  
7 if they fight it then they would have to pay to come back  
8 into the state.

9 THE COURT: I am not opposed to that. Does the defense  
10 want to address that?

11 MR. KANE: No objection on behalf of Olson.

12 MR. SCHIFFER: No objection on mine either. They  
13 intend to fully comply and participate with this case. I  
14 think that if you're waiving extradition that should  
15 potentially reduce the bond but since Your Honor set the  
16 bond at the amount chosen and now they have given additional  
17 assurances to make it easier I would ask the court to reduce  
18 all the bonds measurably.

19 THE COURT: It is so noted but the request is denied.

20 MR. SCHIFFER: Thank you.

21 THE COURT: All right. The State where we were was do  
22 not have any connection with the Atlanta Forest or whatever  
23 it's called -- Defend the Forest, through social media. I  
24 have granted that. The defendants are required to -- those  
25 who live out of state are required to waive extradition.

1 I'm granting that. Do not use a weapon. I will deny that.

2 What other conditions?

3 MR. JOHNSON: I guess the only other one and this is  
4 something we do on most bond cases that they not break the  
5 law. The only reason we do that is because if it is not  
6 specifically in the bond order sometimes that is not a basis  
7 for revocation, so.

8 MR. KANE: It is overreaching.

9 THE COURT: I think breaking the law is -- you're not  
10 supposed to do that anyway whether you are charged or not.  
11 I have not had that situation. I've had it in probation  
12 revocations where somebody got arrested. I am not going to  
13 add that in. Anything else?

14 MR. JOHNSON: Judge, I believe that is all. Mr. Fowler  
15 is on the Zoom. I just want to ask if he has anything that  
16 I have missed.

17 MR. FOWLER: I don't think so. We had previously  
18 discussed this and I think that everything that Mr. Johnson  
19 has said is covered everything that the State from the  
20 Attorney General's office has requested as well. So I won't  
21 recover everything.

22 THE COURT: All right.

23 MR. JOHNSON: That is all, Judge.

24 THE COURT: I have already gone through the bonds for  
25 all six persons, right?

1 MR. JOHNSON: Yes, Judge.

2 THE COURT: And that there are now three conditions.  
3 No communications through social media from or to Defend the  
4 Atlanta Forest. I don't know how you are going to regulate  
5 that, but still. I would require that the defendants waive  
6 the right to extradition. There was one more and I didn't  
7 write it down. Was that it?

8 MR. JOHNSON: Do not return to the location, Judge.

9 THE COURT: Yes. Do not return to the location in  
10 issue. Anything else?

11 MR. JOHNSON: And no contact with any co-defendants in  
12 the case.

13 THE COURT: No contact directly or indirectly with any  
14 other defendant. Anything else?

15 MS. KAUFMAN: But through their attorneys.

16 MR. SCHIFFER: I just want to clarify the no further  
17 contact. The no further contact as Your Honor just put is  
18 with any other co-defendant except through their attorneys  
19 and no further contact with Defend the Atlanta Forest  
20 through social media. Is that accurate and correct?

21 THE COURT: That is accurate. I did not say through  
22 attorneys because that is the ethics of the profession  
23 anyway but you are correct. Anything else, anybody?

24 MR. JOHNSON: Nothing further.

25 THE COURT: Anything else, Attorney General?

1 MR. FOWLER: No, Judge.

2 THE COURT: DeKalb County?

3 MR. JOHNSON: No, Judge. That is all.

4 THE COURT: Any defense attorney?

5 MS. KAUFMAN: Is the State going to be drafting the  
6 bond order?

7 THE COURT: They are supposed to.

8 MR. JOHNSON: Yes. As soon as we get off the Zoom call  
9 we will draft all the bond orders and send them in the queue  
10 to Judge Robins to be signed.

11 MS. KAUFMAN: Thank you very much.

12 MR. SCHIFFER: Judge, I just want to say thank you to  
13 Your Honor and everybody in the court for entertaining this  
14 zealous advocacy from all parties. That is what makes our  
15 system wonderful.

16 THE COURT: I agree with you, counsel. I am a believer  
17 in advocacy. You all have been very good at your jobs. I  
18 commend you for it.

19 Everybody have a good holiday. Do not drink and drive.

20 MR. SCHIFFER: Thank you, Judge.

21 THE COURT: Court is in recess.

22 (Proceedings concluded.)

23

24

25



C E R T I F I C A T E

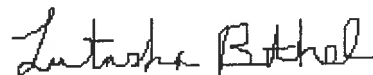
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